

REMARKS

Applicants thank the Examiner for the courtesies extended to the undersigned during the telephonic interviews on January 31, 2007 and March 12, 2007. The following is considered to be a summary of the matters discussed during the interviews.

As discussed during the interview on March 12, 2007, Applicants have amended Claim 1 to resolve the rejection under 35 U.S.C. § 112 and to place the claims in better form for consideration on appeal.

The Office Action rejected Claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,717,067 to Vick in view of U.S. Patent No. 2,172,553 to Tripp and U.S. Patent No. 4,718,802 to Rockenfeller. The Office Action rejected Claims 5-7, 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over the Vick '067 patent in view of the Tripp '553 patent, Rockenfeller '802 patent and U.S. Patent No. 5,842,319 to Ravetto. The Office Action rejected Claims 5-8 and 10 under 35 U.S.C. § 103(a) as being unpatentable over the Vick '067 patent in view of the Tripp '553 patent, Rockenfeller '802 patent and U.S. Patent No. 2,328,823 to MacKenzie. As discussed during the interview of January 31, 2007, Applicants submit that these rejections are contrary to established legal precedent holding that (1) if a proposed modification of prior art references would render the prior art invention being modified unsatisfactory for its intended purpose, there is no suggestion or motivation to make the proposed modification, and (2) if a proposed modification or combination of the prior art references would change the principle operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. See *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984); and *In re Ratti*, 270 F.2d 810 (C.C.P.A. 1959). During the telephonic interviews on January 31, 2007 and March 12, 2007, the Examiner indicated that he would not withdraw the rejection under 35 U.S.C. § 103(a) based upon this legal precedent. Accordingly, as discussed during the telephonic interview on March 12, 2007, Applicants intend to file a Request for a Pre-Appeal Brief Conference with a Notice of Appeal in response to the rejections under 35 U.S.C. § 103(a).

Application No.: 10/675,405
Amendment Dated March 15, 2007
Reply After Final Office Action of December 6, 2006

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/R. Flynt Strean/

R. Flynt Strean
Registration No. 56,450

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
LEGAL02/30290849v1

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON MARCH 15, 2007.